

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**UNITED STATES OF AMERICA**

**VS.**

**4:06-CR-00147-02-BRW**

**LEON NASH**

**ORDER**

Pending is Defendant's Motions to Modify Sentence Under 18 U.S.C. § 3582 (Doc. No. 125), based on the retroactive application of the United States Sentencing Commission's crack cocaine penalty guideline reduction (Amendment 750).

Only those defendants currently serving a sentence determined or affected by a sentencing range calculated using the drug quantity table, U.S.S.G. § 2D1.1, are potentially eligible for a sentence reduction. Defendant pled guilty to a superseding information that charged him under 18 U.S.C. § 371, and carried a statutory maximum of 60-month.<sup>1</sup> On August 21, 2008, Defendant was sentenced to 54 months in prison.<sup>2</sup> Since Defendant's sentence was based on the statute rather than the Guidelines, Amendment 750 does not apply.

Accordingly, Defendant's Motions to Modify Sentence Under 18 U.S.C. § 3582 (Doc. No. 125) is DENIED. Mr. Spades is relieved as counsel under Local Rule 83.7.

IT IS SO ORDERED this 30th day of January, 2012.

/s/ Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Doc. No. 52.

<sup>2</sup>Doc. Nos. 59, 60. Defendant's Guidelines range was 100-125 months. He was sentenced to 54 months, vice the statutory maximum, because the parties agreed that Defendant would receive credit for time already served that "would not be credited through the Bureau of Prisons." *See* Doc. No. 83.